

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA; the States of CALIFORNIA, COLORADO, CONNECTICUT, DELAWARE, FLORIDA, GEORGIA, HAWAII, ILLINOIS, INDIANA, LOUISIANA, MARYLAND, MASSACHUSETTS, MICHIGAN, MINNESOTA, MONTANA, NEVADA, NEW HAMPSHIRE, NEW JERSEY, NEW MEXICO, NEW YORK, NORTH CAROLINA, OKLAHOMA, RHODE ISLAND, TENNESSEE, TEXAS, VIRGINIA, WISCONSIN; the DISTRICT OF COLUMBIA, the CITY OF CHICAGO, and the CITY OF NEW YORK, *ex rel.* OSWALD BILOTTA,

Plaintiffs,

-against-

NOVARTIS PHARMACEUTICALS
CORPORATION,

Defendant.

11 CIV. 0071 (PGG)

**NOTICE OF MOTION TO
DISMISS COMPLAINT IN
INTERVENTION OF THE STATE
OF NEW YORK**

PLEASE TAKE NOTICE that, upon the Complaint in Intervention of the State of New York filed August 26, 2013, the accompanying Memorandum of Law and the supporting declaration of Nina M. Dillon, executed October 24, 2013, with exhibits thereto, Defendant Novartis Pharmaceuticals Corporation hereby moves this Court before the Honorable Paul G. Gardephe, United States District Court, Southern District of New York, 40 Foley Square, New York, New York, for an order, pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b), dismissing the Complaint in Intervention of the State of New York, and granting such other and further relief as the Court deems just and proper.

Dated: October 24, 2013

CRAVATH, SWAINE & MOORE LLP,

by

s/ Rachel G. Skaistis

Rachel G. Skaistis
A member of the Firm

Worldwide Plaza
825 Eighth Avenue
New York, NY 10019
(212) 474-1000
rskastis@cravath.com

*Counsel for Defendant Novartis
Pharmaceuticals Corporation*

TO:

Christopher Harwood
United States Attorney's Office
86 Chambers Street
New York, NY 10007

Andrew Gropper
Office of the Attorney General of the State of New York
120 Broadway
New York, NY 10271

James Miller
Shepherd, Finkelman, Miller & Shah, LLP
65 Main Street
Chester, CT 06412

Raymond Liddy
Deputy Attorney General
Bureau of Medi-Cal Fraud and Elder Abuse
California Department of Justice
1455 Frazee Rd., Ste. 315
San Diego, CA 92108

George A. Coddling
Senior Assistant Attorney General
Medicaid Fraud Control Unit
Office of the Attorney General for the State of Colorado
1525 Sherman Street, 2nd Floor
Denver, CO 80203

Rob Teitelman
Office of the Attorney General
Assistant Attorney General
55 Elm St.
Hartford, CT 06106

Tiphanie P. Miller
Deputy Attorney General
Medicaid Fraud Control Unit
State of Delaware Department of Justice
Carvel State Office Bldg., 5th Floor
820 North French Street
Wilmington, DE 19801

Elaine Block
Attorney
District of Columbia Medicaid Fraud Control Unit
717 14th Street, NW, Suite 1100
Washington, DC 20005

Kathleen Von Hoene
Assistant Attorney General
Office of the Attorney General for the State of Florida
Medicaid Fraud Control Unit
PL-01, The Capitol
Tallahassee, FL 32399-1050

Victoria Kizito
Assistant Attorney General
Georgia Medicaid Fraud Control Unit
200 Piedmont Ave. SE
West Tower, 19th Floor
Atlanta, GA 30334

Michael L. Parrish
Director
Hawaii Medicaid Fraud Control Unit
Office of the Attorney General
333 Queen Street, 10th Floor
Honolulu, HI 96813

F. Elizabeth Lepic
Deputy Bureau Chief
Medicaid Fraud Bureau
Office of the Illinois Attorney General
100 W. Randolph Street, 12th Floor
Chicago, IL 60601

Rod Reynolds
Assistant Attorney General
Iowa MFCU
Iowa Dept. of Insp & Appeals
321 E. 12th St.
Des Moines, IA 50319

Nicholas J. Diez
Assistant Attorney General
Medicaid Fraud Control Unit
Louisiana Department of Justice
1885 N. Third Street
Baton Rouge, LA 70802

Shelly Martin
Assistant Attorney General
Medicaid Fraud Control Unit
Maryland Office of the Attorney General
200 St. Paul Place, 18th Fl.
Baltimore, MD 21202

Joshua H. Orr
Assistant Attorney General
Medicaid Fraud Division
Massachusetts Office of the Attorney General
One Ashburton Place
Boston, MA 02114

Deborah Harper
Assistant Attorney General
State of Michigan
Health Care Fraud Division
2860 Eyde Parkway
East Lansing, MI 48823

Chuck Roehrdanz
Director
Medicaid Fraud Control Unit
Minnesota Office of the Attorney General
445 Minnesota Street #1200
St. Paul, MN 55101

Kenneth E. Varns
Assistant Attorney General
Montana Department of Justice
Medicaid Fraud Control Unit
215 N. Sanders
P.O. Box 201401
Helena, MT 59620-1401

Donna Rohwer
Deputy Attorney General
Medicaid Fraud Control Unit
Nevada Office of the Attorney General
555 East Washington Avenue, Ste. 3900
Las Vegas, NV 89101

Karin Eckel
Director
Medicaid Fraud Control Unit
New Hampshire Office of the Attorney General
33 Capitol Street
Concord, NH 03301-6397

Josh Lichtblau
Assistant Attorney General
New Jersey Medicaid Fraud Control Unit
New Jersey Office of the Attorney General
25 Market Street
P.O. Box 094
Trenton, NJ 08625-0094

Jody R. Curran
Director
Medicaid Fraud Control Unit
New Mexico Office of the Attorney General
111 Lomas Blvd. NW, Suite 300
Albuquerque, NM 87102

Charles Hobgood
Special Deputy Attorney General
Director, Medicaid Investigations Division
North Carolina Department of Justice
5505 Creedmoor Road, Suite 300
Raleigh, NC 27612

Niki Batt
Assistant Attorney General
Medicaid Fraud Control Unit
Oklahoma Office of Attorney General
313 NE 21st Street
Oklahoma City, OK 73105

James F. Dube
Assistant Attorney General
Director, Medicaid Fraud Control and Patient Abuse Unit
Rhode Island Department of Attorney General
150 South Main Street
Providence, RI 02903

Tim Harlan
Assistant Attorney General
Medicaid Fraud and Integrity Division
Tennessee Office of the Attorney General
P.O. Box 20207
Nashville, TN 37202-0207

Kerry Ascher
Assistant Attorney General
Civil Medicaid Fraud Division
Office of the Attorney General for the State of Texas
P.O. Box 12548
Austin, TX 78711-2548

Kimberly M. Bolton
Assistant Attorney General
Medicaid Fraud Control Unit, Civil Investigations Squad
Virginia Attorney General's Office
900 East Main Street
Richmond, VA 23219

Michelle Teed
Assistant Attorney General
Medicaid Fraud Control Unit
P.O. Box 40114
Olympia, WA 98504

Thomas L. Storm
Assistant Attorney General
Director, Medicaid Fraud and Elder Abuse Unit
Wisconsin Department of Justice
P.O. Box 7857
Madison, WI 53708-7857